

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JAMES CHITTENDEN,

Plaintiff,

v.

Case No. 8:19-cv-1504-TPB-AAS

HILLSBOROUGH COUNTY,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Amanda A. Sansone, United States Magistrate Judge, entered on March 15, 2021. (Doc. 34). Judge Sansone recommends that “Defendant’s Motion for Summary Judgment” (Doc. 20) be granted because no reasonable jury could conclude that Defendant discriminated against Plaintiff or retaliated against him. On May 6, 2021, Plaintiff filed an objection to the report and recommendation. (Doc. 42). On May 21, 2021, Defendant filed a response to the objection. (Doc. 44).¹

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718

¹ On May 29, 2021, Plaintiff without leave of Court filed an unauthorized reply to Defendant’s response (Doc. 46), which the Court has stricken.

F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Sansone’s report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Sansone’s detailed and well-reasoned factual findings and legal conclusions. The report and recommendation thoughtfully addresses the issues presented, and the objection does not provide a basis for rejecting the report and recommendation. Viewing the evidence in light most favorable to the Plaintiff, no reasonable jury could conclude that Defendant discriminated against Plaintiff or retaliated against him. Defendant’s motion for summary judgment is granted.

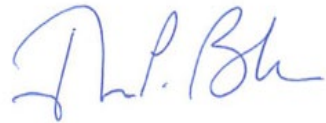
Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Sansone’s report and recommendation (Doc. 34) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) “Defendant’s Motion for Summary Judgment” (Doc. 20) is hereby **GRANTED**.

- (3) The Clerk is directed to enter judgment in favor of Defendant Hillsborough County and against Plaintiff James Chittenden on Count I and Count II of the amended complaint.
- (2) Following the entry of judgment, the Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 4th day of June, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE